

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:12-CV-132**

MICHAEL MEAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
GASTON COUNTY, REGINALD	)	
BLOOM, individually and officially,	)	
WILLIAM M. SAMPSON, individually	)	
and officially, and CALVIN SHAW,	)	
individually and officially,	)	
	)	
Defendants.	)	
	)	

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**ORDER**

**THIS MATTER** is before the Court on its own motion, and in consideration of Plaintiff's Motion for Clarification (Doc. No. 108). Plaintiff brings the Court's attention to an apparent error in its November 1, 2013 order granting in part and denying in part Defendants' motion for judgment on the pleadings (Doc. No. 90). In that order, the Court dismissed a number of Plaintiff's state law claims but denied Defendants' motion as to Plaintiff's claims under 42 U.S.C. § 1983 (Counts I-III), as well as his state law claims for trespass by public officers and malicious prosecution (Claims IV & V). Section J of the order went on to evaluate Defendant Gaston County's liability under § 1983 and found that Plaintiff had not made sufficient allegations to hold the County liable under that section. (*See* Doc. No. 90 at 18-19). The order then stated that "Defendants' motion with respect to this claim is granted and Gaston County is dismissed." (*Id.* at 19). The final portion of the order likewise stated that "Defendant Gaston County is hereby dismissed." (*Id.*)

Plaintiff notes that his state law claims for trespass by public officers and malicious prosecution are asserted against the three police officer-defendants in their official capacities, (*see* Amended Complaint, Doc. No. 59 ¶¶ 6-7), and because the Court did not dismiss these claims, Gaston County remains a proper defendant in this case, *see Mullis v. Sechrest*, 496 S.E.2d 721, 723 (N.C. 1998). He is correct. Clearly, the Court's reasoning only extended to Gaston County's liability under § 1983 and not Plaintiff's state law claims for trespass by public officers and malicious prosecution, which have not been dismissed. Therefore, Gaston County remains a proper defendant in this case as to Claims IV and V.

**IT IS THEREFORE ORDERED** that the Court's order granting in part and denying in part Defendants' motion for judgment on the pleadings (Doc. No. 90) is hereby amended to remove any portion of the order indicating that Gaston County was dismissed from the suit altogether. Gaston County remains a proper defendant in the case as to Claims IV and V. The Clerk's office is directed to reinstate Gaston County as a defendant on the docket.

**SO ORDERED.**

Signed: March 23, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

